

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-010115

05/01/2018

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

ROBERT J BARON

ROBERT J BARON
18631 N 19TH AVE
158-288
PHOENIX AZ 85027

v.

HONORHEALTH, et al.

ANDREW S ASHWORTH

RULING

Before the court and fully briefed are (1) Plaintiff's March 8, 2018 ARCP Rule 37 Motion for Sanctions on Defendant for Refusal of Court Ordered Depositions; and (2) Defendant's March 27, 2018 Response In Opposition to Plaintiff's Motion for Sanctions and Cross Motion For Protective Order/Cross Motion For Reconsideration. Oral argument is not necessary.

By minute entry dated February 15, 2018 and filed February 20, 2018, the court ordered: "In addition to taking a deposition of the 'party,' Plaintiff may take three non-party depositions not exceeding two hours per deposition. Plaintiff may choose which non-parties he deposes." The court did not intend to permit any deposition regardless of whether the witness has relevant information. Plaintiff has not demonstrated that Mr. LaPorte and Ms. Forsyth have relevant information so as to justify their depositions.

IT IS ORDERED denying Plaintiff's ARCP Rule 37 Motion for Sanctions on Defendant for Refusal of Court Ordered Depositions.

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IT IS FURTHER ORDERED granting Defendant's Cross Motion for Protective Order.

IT IS FURTHER ORDERED denying Defendant's Cross Motion for Reconsideration.

Also before the court is Defendant's March 27, 2018 Motion for Scheduling Conference, alternatively, Motion for Appointment of Discovery Special Master. Neither a discovery master nor a Rule 16 conference is likely to be productive. Instead, the court makes the following order.

IT IS ORDERED denying the Motion for Scheduling Conference, alternatively, Motion for Appointment of Discovery Special Master.

IT IS FURTHER ORDERED that, no later than **May 15, 2018**, each party shall file a memorandum no longer than 15 pages stating with specificity what outstanding discovery or disclosure they believe is due from the other party. The memorandum shall be limited to the issues of what additional discovery/disclosure is needed, why it is relevant, and why it is proportional to the issues on the case. The memorandum shall not contain any name-calling, accusations, or rehashing of old gripes or issues already decided. If a party seeks document production, it shall describe in numbered paragraphs the documents needed with specificity. If a party seeks or objects to a response to an interrogatory, it shall attach each such interrogatory and response.

IT IS FURTHER ORDERED that, no later than **May 31, 2018**, each party may file a response memorandum subject to the same requirements.

NOTE: Due to judicial rotations in June, **beginning June 25, 2018** Judge Pamela Gates will assume Judge Warner's civil calendar. Judge Gates will be located in the **East Court Building, Courtroom 912**. Telephone: 602-506-6391.